

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	CHAPTER 7
	§	
WC 3 RD AND TRINITY, LP,	§	CASE NO. 21-10252-TMD
DEBTOR.	§	

NOTICE BY 3rd TRI 2020, LTD.
OF EXERCISE OF RIGHT OF FIRST REFUSAL
TO PURCHASE REAL PROPERTY
AT 309 E. 3RD STREET, AUSTIN, TEXAS
INSTEAD OF DHA CAPITAL LLC

1. On September 20, 2022, this Court signed its “*Order on Second Motion for Authority (I) to Sell Property of the Estate Free and Clear of all Liens, Claims, Encumbrances, and Interests Pursuant to 11 U.S.C. §§ 363(b) and 363(f) and (II) to Authorize the Payment of Closing Fees and Costs Including Payment of the Realtor Commission Pursuant to 11 U.S.C. § 328*” [DOC#299] (the “**Sales Order**”). Unless separately and differently defined in this notice, capitalized terms have the same meaning as set forth in the Sales Order.

2. Incorporated within the Sales Order as Exhibit 1 and identified therein as the “**Purchase Agreement**” are the material terms and conditions of the contract for sale of the Real Property pursuant to an offer by DHA Capital LLC.

3. Pursuant to the terms of its Right of First Refusal (the “**ROFR**”), 3rd TRI 2020, Ltd. (“**3rd TRI**”) may exercise the ROFR and, upon timely filing of this Notice, may become the Purchaser of the Real Property pursuant to the Sales Order. In connection with exercising the ROFR, and in the manner permitted under the terms of the existing Purchase Agreement, 3rd TRI reserves the right to partner with one or more entities in purchasing the Real Property and may do so without further notice.

4. Accordingly, 3rd TRI formally provides this notice of its exercise of its Right of First Refusal. In anticipation of execution of a formal sales contract, and in accordance with the agreement of the Trustee about the deposit,¹ 3rd TRI has deposited the sum of \$250,000.00 at Heritage Title Company, 200 West 6th Street, Austin, Texas 78701. The deposit has been assigned reference number 202202773 and the escrow officer is Amy Love Fisher.

Dated September 30, 2022

Respectfully submitted,

THE DEITCH LAW OFFICES
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By: /s/ Michael Deitch
MICHAEL DEITCH
State Bar Number 05644550

COUNSEL FOR 3rd TRI 2020, LTD.

CERTIFICATE OF SERVICE

The undersigned certifies that on September 30, 2022, a true and correct copy of the foregoing document was electronically filed with the Court and served through the CM-ECF system to all counsel of record registered to receive a Notice of Electronic Filing for this case, and on the below parties via email:

DEBTOR'S COUNSEL
Fisherman Jackson Ronquillo PLLC
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¹ See Exhibit 1 attached hereto.

UNITED STATES TRUSTEE

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CHAPTER 11 TRUSTEE

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And on the below parties by Federal Express:

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/s/ Michael Deitch
MICHAEL DEITCH

EXHIBIT 1

Re: WC 3rd and Trinity



Randy Osherow <rosherow@hotmail.com>

To: Myers, Kent; Michael Deitch; Brian T. Cumings

Cc: Lois Brisky; Valentina Enriquez; Amy Love Fisher; Tyler Grooms; Sandy Gottesman (sandy@gottesmanco.com)



Follow up. Start by Thursday, September 29, 2022. Due by Thursday, September 29, 2022.

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Thu 9/29/2022 3:18 PM

I am ok with the APA and 250k going to Heritage

Randolph N. Osherow

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